Calendar No. 709

98TH CONGRESS
2d Session

SENATE

REPORT
No. 98-365

URGENT SUPPLEMENTAL APPROPRIATIONS, 1984

MARCH 14 (legislative day, MARCH 12), 1984.—Ordered to be printed

Mr. HATFIELD, from the Committee on Appropriations, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.J. Res. 492]

The Committee on Appropriations, to which was referred the joint resolution (H.J. Res. 492) making urgent supplemental appropriations for the fiscal year ending September 30, 1984, for the Department of Agriculture, reports the same to the Senate with various amendments and with the recommendation that the joint resolution be passed.

DEPARTMENT OF AGRICULTURE

PUBLIC LAW 480

EMERGENCY FOOD ASSISTANCE FOR AFRICA

The Committee recommends a supplemental appropriation of $150,000,000 for the title II program of Public Law 480. These funds will provide urgently needed food assistance to several countries in Africa and will be available through December 31, 1984. This is the same as the House allowance and $60,000,000 more than the budget estimate.

The Committee also concurs with the House language that up to $90,000,000 shall be available from the Commodity Credit Corporation inventory for sale on a competitive bid basis or barter to the African countries which require emergency assistance or to any country which plans to assist those countries.

31-010 O

S183-1

The situation in Africa has come about because of sharp declines in agricultural production during the past 2 years due to drought and erratic rainfall. This has resulted in increased incidences of hunger, malnutrition, and in some cases, starvation. Donations from many countries, including the United States, have relieved the problem somewhat, but a great need still exists.

The U.S. Department of Agriculture estimates that of the $150 million, approximately $90 million to $100 million will be for commodity costs, with the remainder going toward ocean transportation costs and inland transportation to landlocked countries.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

The Committee recommends a supplemental appropriation of $545,544,000 to fund the child nutrition programs for the remainder of fiscal year 1984. This is the same amount as requested by the President. This item was not considered by the House.

The funds appropriated to date were estimated to be adequate to fund the child nutrition programs through August 15. However, participation in the child care feeding program has been higher than originally estimated, and due to increased school enrollment, participation in the school lunch and school breakfast programs has increased substantially over earlier estimates.

As a result, it is now estimated that available funds will be adequate only to fund the child nutrition programs through May. According to the Department of Agriculture, if the funds are not forthcoming, States will be unable to fully pay schools for meals served in May and in subsequent months. The schools, in turn, will be unable to pay vendors of food and supplies.

FEEDING PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The Committee has provided $300,000,000 in supplemental funding for the feeding program for women, infants, and children (WIC). This is $133,014,000 more than requested by the President. This item was not considered by the House.

For fiscal year 1984, $1,060,000,000 had been appropriated to fund the WIC program through July 10. The conference report on Public Law 98-151, the Further Continuing Appropriations Act for Fiscal Year 1984, (H. Rept. No. 98-540) directed that the available funds be utilized in a manner to maintain the fiscal year 1983 year-end caseload. The funding level provided by the Committee will permit the current caseload to be maintained for the remainder of fiscal year 1984 and is consistent with the full-year funding level for the WIC program assumed in Public Law 98-151.

Had the Committee accepted the requested funding level, participation in the WIC program would be sharply reduced in the last quarter of the fiscal year.

FOREIGN OPERATIONS

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE

The Committee recommends inclusion in this urgent supplemental $92,750,000 in military assistance for El Salvador which the administration indicates is needed on an emergency basis. This assistance was originally requested as part of a $178,000,000 supplemental package for El Salvador, but because of the pressing need on the ground in El Salvador, together with the fact that Congress is unlikely to consider the regular supplemental until July or later, the administration requested that $93,000,000 be broken out on an emergency basis and provided in this legislation.

The specific requirements for which this appropriation is made are as follows:

Ammunition—$11 million. A number of categories of ammunition are running critically low. Without additional funds, there would be a break in the resupply which could cause real problems not only on the battlefield, but in the perception of U.S. support for their efforts in combatting guerrilla activity.

Training—$13.1 million. Without an additional infusion of training money now, some trainers presently on site would have to leave in mid-May and could not be replaced until a regular supplemental is enacted. Indeed, training for rotary wing aviation, funds for security assessment trainers, reconnaissance unit trainers, funding for humanitarian medical trainers, funding for general staff trainers, and other training needs in nearly every category will run out in the April/May time period without this emergency assistance. Training is an aspect of our activities in El Salvador which the Congress has emphasized and supported.

Tactical mobility—Includes $13 million for the purchase of a wide variety of trucks and associated combat service support and $16 million for the purchase of nine UH–1HS helicopters and three Hughes 500S helicopters with spare parts for the Salvadoran Air Force. The Salvadorans need these additional trucks and helicopters in order to enable their small force to be effective against the number of guerrillas they face. The government of El Salvador has staked a great deal on the successful outcome of the national campaign. Therefore, these few helicopters and vehicles are required on an urgent basis to reinforce the possibility of that success and continue the momentum they have gained.

Ground maneuver forces—$12.9 million. The national campaign plan required that 33 new small battalions should be trained and equipped during the current fiscal year at the training center in Honduras and in El Salvador. That plan also calls for one large immediate reaction battalion to be trained this fiscal year. The United States had hoped to equip and train 15 small battalions by this time—but due to the lack of funds, only 3 have been equipped and trained thus far. The United States intends to train and equip eight small battalions and one immediate reaction battalion during May, June, and July. To do that,

funds are required now in order to procure individual clothing, equipment, and other sustainment items.

Communications—$4 million. Even with this $4 million item, the Salvadoran Army will be short at least 500 Como sets and, in fact, the shortfall is even greater than that when you consider that Como sets have not been provided to combat units below the platoon level.

Sustainment—$9.25 million. Sustainment includes basic spare parts, weapons, some communications gear, automotive and Navy systems. Also found under this category are such things as uniforms, boots, helmets, ponchos, and the like.

Medical—$13.5 million. Funds will provide four UH–1H helicopters and 44 field ambulances, in addition to upgrading hospital facilities in the capitol and in the field. The rate of combat deaths in El Salvador is very high due to inadequate medical facilities and supplies. It is estimated that the provision of these funds could save as many as 2,000 lives. Obviously, the provision of these facilities and supplies are urgently needed, and are, therefore, part of this package.

The Committee agrees with the administration's assessment that these items are required on an urgent basis.

CONDITIONALITY

Even though the assistance provided is of an emergency nature, the Committee believes that the funds must be accompanied with meaningful and reasonable conditionality, and, therefore, recommends such language in the joint resolution.

The Committee is aware that several other congressional units are working on this particular issue, and it is also aware that a congressional consensus on exactly what form these conditions should take has not been reached. However, there is a bipartisan consensus on the issue as developed by the Kissinger Commission, and it is that consensus which is the basis for the language the Committee is recommending. The Kissinger Commission noted in its report that while it agreed that more military assistance was required for El Salvador, that assistance should be conditional—the relevant passage from the Kissinger Commission is as follows:

> With respect to El Salvador, military aid should, through legislation requiring periodic reports, be made contingent upon demonstrated progress toward free elections; freedom of association; the establishment of the rule of law and an effective judicial system; and the termination of the activities of the so-called death squads, as well as vigorous action against those guilty of crimes and the prosecution to the extent possible of past offenders. These conditions should be seriously enforced.

The Committee's recommendation adopts these suggestions. In addition, the Committee requires more detailed reports on several aspects of the military effort ongoing in El Salvador.

The Committee recognizes that its recommendation on these conditions is not the last word on this issue, and, in fact, this is just the be-

ginning of a long process before the administration's Central American Initiative is enacted by Congress.

CENTRAL INTELLIGENCE AGENCY

The Committee recommends an appropriation of $21,000,000 to continue a program of covert assistance in Central America, the same as the budget request. There was no House allowance. Language is included in the bill allocating $14,000,000 of this funding to the Reserve for Contingencies administered by the Director of Central Intelligence, to be subject to the usual statutory procedures applying to that reserve. This appropriation is available in addition to funds previously appropriated for this program and eliminates the ceiling established by Public Law 98-212.

GENERAL PROVISIONS

AVAILABILITY OF FUNDS FOR PANAMA

The Committee is concerned that the armed forces of Panama may intervene in the democratic process in Panama and may take actions to disrupt, delay, or denigrate the conduct of free and fair democratic elections now scheduled for May 6, 1984. Consequently, the Committee has incorporated and recommends to the Senate the adoption of a provision, section 101, which would immediately terminate U.S. military assistance to Panama, if the armed forces of Panama should disrupt or cancel the May 6 election.

MAGISTRATES PAY LEVELS

The Committee recommends a general provision, section 102, which amends a provision in the 1978 Bankruptcy Reform Act. In the act, there is a provision which links the salary levels of U.S. magistrates to the salary levels of bankruptcy judges. This linkage, under the act, was to continue until April 1, 1984, at which time the salaries of magistrates and bankruptcy judges would come uncoupled and be considered separately from that point on. However, due to a drafting oversight in the act, on April 1, 1984, the salaries of the magistrates would revert back to the salary level in effect at the time the act was signed into law. The intent of Congress was not to allow these salaries to rise through normal cost-of-living adjustments until April 1, 1984, and then drop magistrate salaries back to 1978 salary levels.

Therefore, the Committee recommends a new section to correct this inequity and oversight. The language is virtually identical to salary provisions in section 418 of the Bankruptcy Court and Federal Judgeship Act of 1983. It establishes $65,800 as the statutory maximum salary for magistrates subject to change only with specific congressional authorization. The new section would not add new money nor affect outlays. It would have the effect of continuing present salary levels for magistrates after the April 1, 1984, statutory provision takes effect.

HONDURAS MILITARY FACILITIES

The Committee recommends a new provision, section 103, providing that appropriations to the Defense Department for operations and maintenance in fiscal year 1984 shall not be obligated or expended for construction, modification, or improvement of military facilities, other than temporary facilities, in the nation of Honduras unless specifically authorized and funded by Congress. This restriction, similar to general law carried in title 10, United States Code, may be waived by the President upon notification to the Committees on Appropriations, Armed Services, and Foreign Relations that an unforeseen emergency exists.

The Committee is fully aware of the extent of training exercises in Honduras and the facility improvements related to this training activity. And the Committee recognizes there is already extensive statutory language defining to what extent facilities may be constructed or improved with operations and maintenance funding. Further, the General Accounting Office has been conducting extensive inspections and reviews and expects to reach a determination on the expenditure of operations and maintenance funds in connection with joint U.S.-Honduran military exercises.

The Committee does not support unprecedented special restrictions on operation and maintenance (O&M) funding when applied narrowly, as in the case of Honduras and the joint training exercises there. Nor does the Committee accept the contention that airfield and related improvements funded from O&M accounts and associated with the Honduran exercises are permanent military bases. However, the Committee will continue to follow developments in Central America closely and will extend every consideration to any findings from GAO concerning the propriety of O&M funding practices.

CUMBERLAND GAP TUNNEL

The Committee has included language, section 104, disapproving a proposed deferral of $14,000,000 that was appropriated in the fiscal year 1984 Interior and Related Agencies appropriation bill to initiate construction on the Cumberland Gap tunnel. The Committee provided those funds after being persuaded that the existing road system was extremely dangerous and that all other alternatives to the proposed tunnel were unsatisfactory. The funds will permit the relocation of U.S. Route 25E, diverting traffic from the historic gap and providing a safer route for a highway that has caused 19 fatalities and 200 accidents over the past 10 years in the Kentucky portion of the project alone.

The Committee feels that further efforts to postpone obligation of these funds are irresponsible and will only extend the time and inflate the cost necessary to complete the project. The Committee, therefore, directs the Department of the Interior to proceed with obligation of 1984 funds immediately and to request funding in future years at the maximum level that is efficient in completing the tunnel project.

Comparisons With Budget Resolution

In accordance with section 308(a)(1)(A) of the Congressional Budget Act of 1974 (Public Law 93–344), the following comparison between the new budget authority set forth in the first concurrent resolution on the budget, as allocated by the Committee on Appropriations under section 302 of the act, and the budget authority contained in the accompanying bill is provided:

	In millions of dollars
Total fiscal year 1984 section 302(a) allocation	$537,863
Previously enacted[1]	522,190
Amount in other pending supplemental	200
Amount remaining	15,473
Committee bill	1,109
Net amount under allocation	14,364

[1] CBO estimate.

Five-Year Projection of Outlays

In accordance with section 308(a)(1)(B) of the Congressional Budget Act of 1974 (Public Law 93–344), the following table contains 5-year projections of the outlays associated with the budget authority provided in the accompanying bill:

	In millions of dollars
Budget authority	$1,109
Outlays:	
1984	936
1985	133
1986	26
1987	2
1988	.....

Assistance to State and Local Governments

In accordance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), the new budget authority and outlays provided by the accompanying bill for financial assistance to State and local governments are as follows:

	In millions of dollars
Fiscal year 1984 new budget authority	$821
Fiscal year 1984 outlays resulting therefrom	738

ADDITIONAL VIEWS OF SENATOR JIM SASSER

MILITARY FACILITIES IN HONDURAS

Using the screen of military exercises, the Department of Defense has constructed a number of facilities in Honduras, including airfields, base camps, and radar sites which far exceed the requirements for the conduct of military war games.

Many of these facilities are semipermanent and permanent in nature. Yet, the Department of Defense maintains they are only temporary and incidental to the exercises.

The general provision I offered during the full Committee markup would have established in law the requirement that any additional construction using operation and maintenance funds of the Department of Defense must be authorized and appropriated through the regular congressional process. The amendment also provided authority to the President to proceed with such construction during unforeseen emergencies.

During the full Committee markup my amendment was modified to exempt "temporary" facilities from the requirement of the amendment. Normally, I would have accepted such a modification. However, the Department of Defense continues to define as temporary, facilities which will have a usable life for a number of years with minimal maintenance.

Therefore, the modification approved during the markup permits the Department of Defense to continue the current practice of incrementally building a substantial military infrastructure in Central America without proper congressional oversight and approval.

The military buildup presently being undertaken in Honduras by the U.S. Department of Defense has been conducted without the approval of the Congress or the knowledge of the American people. Whether defined as temporary, or semipermanent, or permanent, these facilities represent a policy of the executive branch which should be subject to a full and open debate.

JIM SASSER.

O